

Docket 42482
Serial No. 09/740,420

PATENT APPLICATION

REMARKS

This is in full and timely response to the initial Office Action on the merits dated March 29, 2004. Reconsideration and reexamination are respectfully requested in view of the
5 foregoing amendments and the following remarks.

By the foregoing amendment, claim 11 has been canceled and claims 1 and 9 have been amended. Therefore, claims 1-10 and 12-17 remain in this application with claims 1 and 9 being independent.

10 IN THE CLAIMS:

35 U.S.C. § 101 Rejections:

Claims 1-17 stand rejected under 35 U.S.C. § 101 as failing to be directed to statutory subject matter. Without admitting the propriety of these rejections, claims 1 and 9 have
15 been amended to more clearly recite that the inventive method is within the technological arts. As stated by the examiner, a process claim is satisfactory if the recited process applies, involves, uses, or advances the technological arts. More particularly, claims 1 and 9 have been amended to state that the method is automated. Claim 1 has been further amended to more perfectly recite that concepts are received electronically using a computer accessible through a wide area
20 network. Claim 9 has been further amended that the step of receiving new product ideas involves "electronically receiving" the concepts. Receiving new product concepts electronically was disclosed in the original specification as being the preferred mode of receipt (page 6, lines

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13-17). A similar amendment in the parent application, now U.S. Patent 6, 542,871, was made by an Examiner's Amendment so as to overcome any potential 35 U.S.C. § 101 rejections in that case. Accordingly, the applicant believes that the 35 U.S.C. § 101 rejections should be overcome by the above described amendments. The examiner stated that claims 1-8 would be allowable if the section 101 rejections were overcome; therefore, claims 1-8 should be in condition for allowance and such is respectfully requested.

35 U.S.C. § 102(b) and § 103(a) Rejections

Claims 9, 12, 16, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Asplen, Jr., U.S. Patent No. 6,044,354. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Asplen, Jr. and Kossovsky et al., U.S. 2002/0004775. Claims 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asplen, Jr. and Incubate.com.

However, the examiner indicated that claim 11 stands objected to but would be allowable if rewritten in independent form to include all of the limitations of base claim and any intervening claims. Therefore, claim 9 has been amended to include all of the limitations of claim 11, there being no intervening claims. Claim 11 has been canceled accordingly. Therefore, claim 9 should now be in condition for allowance and such is respectfully requested along with claims 10-12 and 13-17 which depend therefrom.

Further, the examiner indicated that claims 1-8 would be allowable if they overcame the 35 U.S.C. § 101 rejections. As noted above, claim 1 has been amended to more perfectly recite that the present method for developing a new product is an "automated" method in which concepts are received electronically using a computer accessible through a wide area network.

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Claim 9 was similarly amended and now recites an automated method in which the step of receiving new product concepts includes "electronically" receiving those concepts. Each of these amendments is supported by the original specification and should overcome the 35 U.S.C. § 101 rejections as described previously in greater detail. Therefore, claims 1-8 should now be
5 in condition for allowance and such is respectfully requested.

Although the application should now be in condition for allowance, the applicant further points out that in the parent application of the present application, now U.S. Patent No. 6,542,871, the Office, through the present examiner, admitted that certain aspects of the prior art
10 do not teach or suggest the presently claimed invention. Specifically, the Office held in the Examiner's Amendment to the parent application that Asplen, Jr. does not teach or suggest licensing the selected developed product idea from a pool of ideas and further paying a portion of royalties from the licensing of the select product idea to the submitters whose ideas were not selected from the pool for further development (Ex. Amendment, page 5, line 21 to page 6, line
15 2). Further, the Office held that Inventurelab.com does not teach or suggest receiving product ideas into a pool, selecting a new idea from the pool for product development, licensing the new idea and paying a portion of the royalties received from the licensed, developed product to the submitters of the pool whose ideas were not selected for further development (Ex. Amendment, page 5, lines 6-10). The applicant urges that Asplen, Jr. and Inventurelab.com do not teach or
20 suggest the subject matter recited in claims 1 and 9 of the present application for the same reasons put forward by Examiner Colon in the parent case.

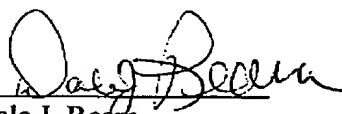
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This application should now be in condition for allowance and such is respectfully requested. If the examiner has any suggestions that would place this application in even better condition for allowance, she is invited to contact the applicant's representative at the telephone number listed below.

Respectfully Submitted,

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Dale J. Ream
Patent Reg. No. 45,798

HARSHAW RESEARCH, INC.
Lawyer's Building
2nd & Main
P.O. Box 418
Telephone (785) 242-9500
Facsimile (785) 242-3308